THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6597 of 2006

Dt.4.4.2006

Between:

Ch.Pattabhi Reddy … Petitioner

And

The District Level Committee, rep. By its

Chairman, Nellore District.

…Respondents

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ORDER:

The petitioner questions the action of the respondents in not permitting the petitioner to lift 1.00,000 (one lakh) cubic meter of sand from Swarnamukhi River, Vakadu area and not extending time for transportation of sand beyond 31.3.2006 as illegal and arbitrary.

The case of the petitioner is that as per proceedings of the District Panchayat Officer, Nellore, dated 23.11.2005 the earlier lease granted from 15.9.2005 to 31.10.2005 in favour of the petitioner was extended from 1.11.2005 to 31.3.2006 or whenever the contractor reports that the heaping of the sand is deposited to one lakh cubic meters within ten days. It is stated that the petitioner so far lifted only 43000 cubic meters,

but could not lift the remaining sand in view of intermittent rains.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development on behalf of the respondents.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion on the merits of the case as to whether the lease of the petitioner automatically expires before 31.3.2006 or the petitioner is entitled to lift the sand of one lakh cubic meters. But, however, it is stated that the petitioner filed an application for extension of lease before the District Level Committee on 16.3.2006 and the learned counsel for the petitioner submits that it is just and proper to direct the District Level Committee to consider and dispose of the said representation of the petitioner.

Accordingly, the first respondent is directed to consider and dispose of the application of the petitioner dated 16.3.2006 for extension of lease period, if any filed, received and pending, in accordance with law within four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

V.ESWARAIAH, J.

4.4.2006

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